



General Assembly

January Session, 2005

***Amendment***

LCO No. 8216

**\*HB0684108216SR0\***

Offered by:  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.

To: Subst. House Bill No. **6841**

File No. 655

Cal. No. 642

**"AN ACT CONCERNING THE REAL ESTATE CONVEYANCE TAX."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 12-704c of the general statutes, as  
4 amended by section 52 of public act 04-216 and section 77 of substitute  
5 house bill 6940 of the current session, as amended, is repealed and the  
6 following is substituted in lieu thereof (*Effective July 1, 2005, and*  
7 *applicable to taxable years commencing on or after January 1, 2005*):

8 (b) The credit allowed under this section shall not exceed two  
9 hundred fifteen dollars for the taxable year commencing on or after  
10 January 1, 1997, and prior to January 1, 1998; for taxable years  
11 commencing on or after January 1, 1998, but prior to January 1, 1999,  
12 three hundred fifty dollars; for taxable years commencing on or after  
13 January 1, 1999, but prior to January 1, 2000, four hundred twenty-five  
14 dollars; for taxable years commencing on or after January 1, 2000, but  
15 prior to January 1, 2003, five hundred dollars; for taxable years

16 commencing on or after January 1, 2003, three hundred fifty dollars;  
17 for taxable years commencing on or after January 1, 2005, but prior to  
18 January 1, 2006, three hundred fifty dollars; and for taxable years  
19 commencing on or after January 1, 2006, [four] five hundred dollars. In  
20 the case of any husband and wife who file a return under the federal  
21 income tax for such taxable year as married individuals filing a joint  
22 return, the credit allowed, in the aggregate, shall not exceed such  
23 amounts for each such taxable year."

24 After the last section, add the following and renumber sections and  
25 internal references accordingly:

26 "Sec. 502. (NEW) (*Effective July 1, 2005, and applicable to assessment*  
27 *years commencing on or after October 1, 2005*) Notwithstanding any  
28 provision of law, the provisions of chapter 203 of the general statutes  
29 shall not apply to passenger motor vehicles.

30 Sec. 503. Section 12-71 of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective July 1, 2005, and*  
32 *applicable to assessment years commencing on or after October 1, 2005*):

33 (a) All goods, chattels and effects or any interest therein, including  
34 any interest in a leasehold improvement classified as other than real  
35 property, belonging to any person who is a resident in this state, shall  
36 be listed for purposes of property tax in the town where such person  
37 resides, subject to the provisions of sections 12-41, 12-43 and 12-59.  
38 Any such property belonging to any nonresident shall be listed for  
39 purposes of property tax as provided in section 12-43. [Motor vehicles  
40 and snowmobiles] Snowmobiles shall be listed for purposes of the  
41 property tax in accordance with subsection (f) of this section.

42 (b) Except as otherwise provided by the general statutes, property  
43 subject to this section shall be valued at the same percentage of its then  
44 actual valuation as the assessors have determined with respect to the  
45 listing of real estate for the same year, except that any motor vehicle  
46 for which number plates have been issued under section 14-20 shall be  
47 assessed at a value of not more than five hundred dollars. The

48 provisions of this section shall not include money or property actually  
49 invested in merchandise or manufacturing carried on out of this state  
50 or machinery or equipment which would be eligible for exemption  
51 under subdivision (72) of section 12-81 once installed and which  
52 cannot begin or which has not begun manufacturing, processing or  
53 fabricating; or which is being used for research and development,  
54 including experimental or laboratory research and development,  
55 design or engineering directly related to manufacturing or being used  
56 for the significant servicing, overhauling or rebuilding of machinery  
57 and equipment for industrial use or the significant overhauling or  
58 rebuilding of other products on a factory basis or being used for  
59 measuring or testing or metal finishing or in the production of motion  
60 pictures, video and sound recordings.

61 (c) Upon payment of the property tax assessed with respect to any  
62 property referred to in this section, owned by a resident or nonresident  
63 of this state, which is currently used or intended for use in relation to  
64 construction, building, grading, paving or similar projects, including,  
65 but not limited to, [motor vehicles,] bulldozers, tractors and any  
66 trailer-type vehicle, excluding any such equipment weighing less than  
67 five hundred pounds, and excluding any motor vehicle subject to  
68 registration pursuant to chapter 246 or exempt from such registration  
69 by section 14-34, the town in which such equipment is taxed shall  
70 issue, at the time of such payment, for display on a conspicuous  
71 surface of each such item of equipment for which such tax has been  
72 paid, a validation decal or sticker, identifiable as to the year of issue,  
73 which will be presumptive evidence that such tax has been paid in the  
74 appropriate town of the state.

75 (d) (1) Personal property subject to taxation under this chapter shall  
76 not include computer software, except when the cost thereof is  
77 included, without being separately stated, in the cost of computer  
78 hardware. "Computer software" shall include any program or routine  
79 used to cause a computer to perform a specific task or set of tasks,  
80 including without limitation, operational and applicational programs  
81 and all documentation related thereto.

82 (2) The provisions of subdivision (1) of this subsection shall be  
83 applicable (A) to the assessment year commencing October 1, 1988,  
84 and each assessment year thereafter, and (B) to any assessment of  
85 computer software made after September 30, 1988, for any assessment  
86 year commencing before October 1, 1988.

87 (3) Nothing contained in this subsection shall create any implication  
88 related to liability for property tax with respect to computer software  
89 prior to July 1, 1989.

90 (4) A certificate of correction in accordance with section 12-57 shall  
91 not be issued with respect to any property described in subdivision (1)  
92 of this subsection for any assessment year commencing prior to  
93 October 1, 1989.

94 (e) For assessment years commencing on or after October 1, 1992,  
95 each municipality shall exempt aircraft, as defined in section 15-34,  
96 from the provisions of this chapter.

97 (f) (1) Property subject to taxation under this chapter shall include  
98 each registered and unregistered [motor vehicle and] snowmobile that,  
99 in the normal course of operation, most frequently leaves from and  
100 returns to or remains in a town in this state, and any other [motor  
101 vehicle or] snowmobile located in a town in this state, which [motor  
102 vehicle or] snowmobile is not used or is not capable of being used.

103 (2) Any [motor vehicle or] snowmobile registered in this state  
104 subject to taxation in accordance with the provisions of this subsection  
105 shall be set in the list of the town where such [vehicle] snowmobile in  
106 the normal course of operation most frequently leaves from and  
107 returns to or in which it remains. It shall be presumed that any such  
108 [motor vehicle or] snowmobile most frequently leaves from and  
109 returns to or remains in the town in which the owner of such [vehicle]  
110 snowmobile resides, unless a provision of this subsection otherwise  
111 expressly provides. As used in this subsection, "the town in which the  
112 owner of such [vehicle] snowmobile resides" means the town in this  
113 state where (A) the owner, if an individual, has established a legal

114 residence consisting of a true, fixed and permanent home to which  
115 such individual intends to return after any absence, or (B) the owner, if  
116 a company, corporation, limited liability company, partnership, firm or  
117 any other type of public or private organization, association or society,  
118 has an established site for conducting the purposes for which it was  
119 created. In the event such an entity resides in more than one town in  
120 this state, it shall be subject to taxation by each such town with respect  
121 to any registered or unregistered [motor vehicle or] snowmobile that  
122 most frequently leaves from and returns to or remains in such town.

123 [(3) Any motor vehicle owned by a nonresident of this state shall be  
124 set in the list of the town where such vehicle in the normal course of  
125 operation most frequently leaves from and returns to or in which it  
126 remains. If such vehicle in the normal course of operation most  
127 frequently leaves from and returns to or remains in more than one  
128 town, it shall be set in the list of the town in which such vehicle is  
129 located for the three or more months preceding the assessment day in  
130 any year, except that, if such vehicle is located in more than one town  
131 for three or more months preceding the assessment day in any year, it  
132 shall be set in the list of the town where it is located for the three  
133 months or more in such year nearest to such assessment day. In the  
134 event a motor vehicle owned by a nonresident is not located in any  
135 town for three or more of the months preceding the assessment day in  
136 any year, such vehicle shall be set in the list of the town where such  
137 vehicle is located on such assessment day.

138 (4) Notwithstanding any provision of subdivision (2) of this  
139 subsection: (A) Any registered motor vehicle that is assigned to an  
140 employee of the owner of such vehicle for the exclusive use of such  
141 employee and which, in the normal course of operation most  
142 frequently leaves from and returns to or remains in such employee's  
143 town of residence, shall be set in the list of the town where such  
144 employee resides; (B) any registered motor vehicle that is being  
145 operated, pursuant to a lease, by a person other than the owner of such  
146 vehicle, or such owner's employee, shall be set in the list of the town  
147 where the person who is operating such vehicle pursuant to said lease

148 resides; (C) any registered motor vehicle designed or used for  
149 recreational purposes, including, but not limited to, a camp trailer,  
150 camper or motor home, shall be set in the list of the town such vehicle,  
151 in the normal course of its operation for camping, travel or recreational  
152 purposes in this state, most frequently leaves from and returns to or  
153 the town in which it remains. If such a vehicle is not used in this state  
154 in its normal course of operation for camping, travel or recreational  
155 purposes, such vehicle shall be set in the list of the town in this state in  
156 which the owner of such vehicle resides; and (D) any registered motor  
157 vehicle that is used or intended for use for the purposes of  
158 construction, building, grading, paving or similar projects, or to  
159 facilitate any such project, shall be set in the list of the town in which  
160 such project is situated if such vehicle is located in said town for the  
161 three or more months preceding the assessment day in any year,  
162 provided (i) if such vehicle is located in more than one town in this  
163 state for three or more months preceding the assessment day in any  
164 year, such vehicle shall be set in the list of the town where it is located  
165 for the three months or more in such year nearest to such assessment  
166 day, and (ii) if such vehicle is not located in any town for three or more  
167 of the months preceding the assessment day in any year, such vehicle  
168 shall be set in the list of the town where such vehicle is located on such  
169 assessment day.

170 (5) The owner of a motor vehicle subject to taxation in accordance  
171 with the provisions of subdivision (4) of this subsection in a town other  
172 than the town in which such owner resides may register such vehicle  
173 in the town in which such vehicle is subject to taxation.

174 (6) Information concerning any vehicle subject to taxation in a town  
175 other than the town in which it is registered may be included on any  
176 declaration or report filed pursuant to section 12-41, 12-43 or 12-57a. If  
177 a motor vehicle or snowmobile is registered in a town in which it is not  
178 subject to taxation, pursuant to the provisions of subdivision (4) of this  
179 section, the assessor of the town in which such vehicle is subject to  
180 taxation shall notify the assessor of the town in which such vehicle is  
181 registered of the name and address of the owner of such motor vehicle

182 or snowmobile, the vehicle identification number and the town in  
183 which such vehicle is subject to taxation. The assessor of the town in  
184 which said vehicle is registered and the assessor of the town in which  
185 said vehicle is subject to taxation shall cooperate in administering the  
186 provisions of this section concerning the listing of such vehicle for  
187 property tax purposes.]

188 Sec. 504. Section 12-95 of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective July 1, 2005, and*  
190 *applicable to assessment years commencing on or after October 1, 2005*):

191 No individual shall receive any exemption to which he is entitled by  
192 any one of subdivisions (19), (20), (22), (23), (25), (26) and (28) of  
193 section 12-81 or section 12-82 until he has proved his right to such  
194 exemption in accordance with the provisions of sections 12-93 and 12-  
195 94, together with such further proof as is necessary under the  
196 provisions of any of said sections. Exemptions so proved by residents  
197 shall take effect on the next succeeding assessment day, provided  
198 individuals entitled to an exemption under the provisions of  
199 subdivision (20) of section 12-81 may prove such right at any time  
200 before the expiration of the time limited by law for the board of  
201 assessment appeals of the town wherein the exemption is claimed to  
202 complete its duties and such exemption shall take effect on the  
203 assessment day next preceding the date of the proof thereof. [For  
204 purposes of any tax payable in accordance with the provisions of  
205 section 12-71b, any such exemption referred to in this section shall take  
206 effect on the first day of January next following the date on which the  
207 right to such exemption has been proved.]

208 Sec. 505. Section 14-163 of the general statutes is repealed and the  
209 following is substituted in lieu thereof (*Effective July 1, 2005, and*  
210 *applicable to assessment years commencing on or after October 1, 2005*):

211 (a) The commissioner shall compile information concerning [motor  
212 vehicles and] snowmobiles subject to property taxation pursuant to  
213 section 12-71 using the records of the Department of Motor Vehicles

214 and information reported by owners of [motor vehicles and]  
215 snowmobiles. In addition to any other information the owner of a  
216 [motor vehicle or] snowmobile is required to file with the  
217 commissioner by law, such owner shall provide the commissioner with  
218 the name of the town in which such owner's [motor vehicle or]  
219 snowmobile is to be set in the list for property tax purposes, pursuant  
220 to section 12-71. On or before December 1, 2004, and annually  
221 thereafter, the commissioner shall furnish to each assessor in this state  
222 a list identifying [motor vehicles and] snowmobiles that are subject to  
223 property taxation in each such assessor's town. Said list shall include  
224 the names and addresses of the owners of such [motor vehicles and]  
225 snowmobiles, together with the vehicle identification numbers for all  
226 such [vehicles] snowmobiles for which such numbers are available.

227 (b) On or before October 1, 2004, and annually thereafter, the  
228 commissioner shall furnish to each assessor in this state a list  
229 identifying [motor vehicles and] snowmobiles in each such assessor's  
230 town that were registered subsequent to the first day of October of the  
231 assessment year immediately preceding, but prior to the first day of  
232 August in such assessment year, and that are subject to property  
233 taxation on a supplemental list pursuant to section 12-71b. In addition  
234 to the information for each such [vehicle and] snowmobile specified  
235 under subsection (a) of this section that is available to the  
236 commissioner, the list provided under this subsection shall include a  
237 code related to the date of registration of each such [vehicle or]  
238 snowmobile.

239 Sec. 506. Section 14-192 of the general statutes is repealed and the  
240 following is substituted in lieu thereof (*Effective July 1, 2005, and*  
241 *applicable to assessment years commencing on or after October 1, 2005*):

242 (a) The commissioner shall be paid the following fees: (1) For filing  
243 an application for a certificate of title, twenty-five dollars; (2) for each  
244 security interest noted upon a certificate of title or maintained in the  
245 electronic title file pursuant to subsection (b) of section 14-175, ten  
246 dollars; (3) for each record copy search, twenty dollars; (4) for each



247 assignment of a security interest noted upon a certificate of title or  
248 maintained in the electronic title file, ten dollars; (5) for an application  
249 for a duplicate certificate of title, twenty-five dollars, provided such fee  
250 shall not be required for any such duplicate certificate of title [(A)  
251 which is requested on a form prepared and signed by the assessor in  
252 any town for purposes of such proof of ownership of a motor vehicle  
253 as may be required in accordance with section 12-71b, or (B)] in  
254 connection with an application submitted by a licensed dealer in  
255 accordance with the provisions of subsection (c) of section 14-12 or  
256 section 14-61; (6) for an ordinary certificate of title issued upon  
257 surrender of a distinctive certificate, ten dollars; (7) for filing a notice of  
258 security interest, ten dollars; (8) for a certificate of search of the records  
259 of the Department of Motor Vehicles, for each name or identification  
260 number searched against, twenty dollars; (9) for filing an assignment  
261 of security interest, ten dollars; (10) for search of a motor vehicle  
262 certificate of title record, requested by a person other than the owner of  
263 such motor vehicle, twenty dollars; and (11) for a bond filing under  
264 section 14-176, twenty-five dollars.

265 (b) If an application, certificate of title or other document required to  
266 be mailed or delivered to the commissioner under any provision of this  
267 chapter is not delivered to the commissioner within ten days from the  
268 time it is required to be mailed or delivered, the commissioner shall  
269 collect, as a penalty, an amount equal to the fee required for the  
270 transaction.

271 (c) Motor vehicles leased to an agency of this state and motor  
272 vehicles owned by the state or an agency of the state shall be exempt  
273 from the fees imposed by this section.

274 Sec. 507. Sections 12-71b, 12-71c and 12-71d of the general statutes  
275 are repealed. (*Effective from passage*)"